

Appl. No. 10/659,445
Amdt. dated November 1, 2005
Reply to Office action of August 1, 2005

Amendments to the Drawings:

The attached drawing sheet includes changes to FIG. 14 and FIG. 17. This sheet replaces the original sheet including FIG. 14, FIG. 17 and FIG. 18.

Attachment: Replacement Sheet

REMARKS

As a result of this amendment, claims 1-12 have been withdrawn. Claims 13-18 are pending, claim 13 being amended.

ELECTION/RESTRICTION

The Applicant hereby acknowledges the election of claims 13-18 drawn to the method claims. The Applicant expressly reserves the right to pursue the withdrawn apparatus claims 1-12 in a later filed continuation patent application.

DRAWINGS

FIG. 14 and FIG. 17 have been amended to add reference signs discussed in the specification but not shown in the drawings.

CLAIM REJECTIONS – 35 USC 102

The Examiner has rejected claims 13 and 15-18 under 35 USC 102(b) as anticipated by Bota (US Patent 6,378,184, hereinafter "Bota '184").

The Applicant traverses the Examiner's position for at least the following reasons:

Bota '184 does not teach or suggest the step e) of claim 13 requiring "rotating the first work piece portion 180 degrees relative to the second work piece portion such that the first work piece portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut;"

Bota '184 teaches the use of two work stations to form a duct member. Bota '184 states that it is possible to utilize one work station in which multiple cutting and forming steps would be completed in at least two different locations (see column 5, lines 21-28). Bota '184 required that the work piece be turned 180 degrees by hand after removing the work piece from the first machine and prior to being positioned in the second machine. Bota '184 states that if one work

station is used that a mechanism to rotate the work piece may be provided. No mechanism to rotate the workpiece is taught (see column 7, lines 1-3).

Step e) of claim 13 is performed when the work piece is cut into a first portion and a second portion. Step e) requires that the first portion of the work piece to be rotated 180 degrees relative to the second portion of the work piece. Bota '184 discusses rotating the entire workpiece.

A key to distinguishing the present method from the Bota '184 patent is to realize that the duct of Bota '184 is formed in the machines as shown in FIG. 4 of Bota '184. The duct member must then be rotated by hand as shown in FIG. 5 of Bota '184. This leads to the workplace injuries that the present invention has overcome by providing an automated system that results in an elbow that is not only formed, but rotated automatically into an elbow during the manufacturing process.

Accordingly, Bota '184 does not teach the step f) of claim 13 requiring "adjustably connecting the first work piece ~~member~~ portion to the second work piece ~~member~~ portion while the first work piece portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut;"

Bota '184 never provides an enabling embodiment of a single workstation unit because one was not developed at the time. If the problems related to creation of a single workstation unit had been invented, it would have been included in the Bota '184 patent.

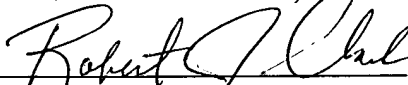
Claim 13, as amended, is now believed to be distinguished over Bota '184 and therefore claim 13 and dependent claims 15-18 are considered to be in an allowable condition.

CLAIM REJECTIONS – 35 USC 103

The Examiner has rejected claim 14 under 35 USC 103(a) as being unpatentable over Bota in view of Bellatorre (US Patent 3,010,506).

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Claim 14 is dependent upon claim 13, as amended, and is therefore considered to be in an allowable condition.

Respectfully submitted,
HAHN LOESER & PARKS, LLP
By 
Robert J. Clark
Reg. No. 45,835
Tel.: (330) 864-5550
Fax: (330) 864-7986

Attachments